

REMARKS

Applicant submits this paper in response to the Office Action dated August 30, 2010. Claims 1-19 have been previously canceled. Claims 20-41 were previously added. Claims 20, 32, 38 and 41 have been amended. Excluding the amendments to overcome informalities noted by the Examiner, support for the amendments made to claims 20, 32 and 38 is found in paragraphs [0017] – [0018]. No claims have been canceled or added by way of this response. Thus, claims 20-41 are currently pending and presented for examination. Applicant respectfully requests reconsideration and allowance of the pending claims in view of the foregoing amendments and the following remarks.

Objections to the Claims:

Claims 20, 32 and 38 have been amended to correct the informalities noted by the Examiner. Accordingly, Applicant respectfully requests withdrawal of the objection of these claims.

Response to Rejections under Section 103:

The Examiner has repeated the rejection of the pending claims under 35 U.S.C. §103(a) as being obvious over the previously cited references and further in view of newly cited U.S. Publication No. 2003/0139854 to Kolk et al. (Kolk). In view of further defining the claimed invention by amending claims 20, 32 and 38, Applicant respectfully traverses.

As amended, independent claims 20 and 32 have been amended to include:

the evaluation entity further comprising a comparator to compare a reference value of a specific process parameter with an actual value of the process parameter and a multiplier configured to apportion a difference between the reference value and the actual value;

an integrator configured to integrate a value provided to the multiplier over a time period; and

a memory device configured to retain a difference between the reference value and the actual value prior to supplying the difference to the multiplier.

None of the prior art cited against Applicant's invention discloses these elements. More specifically, there is no suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings to render Applicant's invention obvious. Additionally, the prior art reference (or references when combined) does not teach or suggest all the claim limitations.

The same basis provided above as to why claims 20 and 32 are patentable also holds true with respect to independent claim 38. As amended, the optimizing step further narrows how optimization is accomplished. This further limitation is distinguishable over the prior art cited against this claim.

Since claims 21-31 depend either directly or indirectly from independent claim 20, claims 33-37 depend either directly or indirectly from independent claim 32, and claims 39-41 depend either directly or indirectly from independent claim 38, the remarks above are also applicable to these dependent claims. As amended, Applicant respectfully submits that these claims are patentable and request the Examiner to withdraw the Section 103 rejection.

(Please proceed to the next page.)

Conclusion:

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims. Accordingly, Applicant respectfully requests that the Examiner reconsider the rejections and timely pass the application to allowance. All correspondence should continue to be directed to our below-listed address. Please grant any extensions of time required to enter this paper. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: November 30, 2010

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